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The Top Five Things to Know About the Municipal Clerk Position

by Amy Holt and Abraham David Benavides

On April 17, 2013, the small city of West, Texas, experienced a major tragedy. A massive explosion at a fertilizer plant killed 14 people, including 10 first responders. More than 50 percent of the buildings were damaged, and for a short time, the city was in disarray.

Joey Pustejovsky, who was the city secretary with the responsibility to manage the city and also served as a volunteer firefighter, was one of those first responders. Municipal clerks are sometimes also known as city clerks, town clerks, or city secretaries. As a credit to their profession, municipal clerks in Texas immediately offered assistance to step in and help fulfill the necessary duties for the city clerk's office in West.

The role of a municipal clerk is often a misunderstood position in local government. To the uninformed, clerks are often thought to fulfill a primarily clerical role. The importance of the position's role, however, is quite clear. The tasks are dictated by law or statute and include some of the most basic services expected by residents.

In fact, municipal clerks are often the first and most direct link between residents and government. The position is also responsible for providing transparency in local government.

While clerks are tasked with some functions that are clerical in nature, the professionalism associated with this position is apparent to those familiar with local government functions. Clerks are knowledgeable about day-to-day operations in their communities, and managers can be among the people who benefit from their knowledge and strengths.

- **Professionalism.** A strong, positive professional relationship between the clerk and the manager is important for effective service delivery to residents. Clerks work behind the scenes to ensure the smooth operation of local government. In order to facilitate this role, the clerk's office is becoming professionalized.

Many states mandate professional certification to secure or maintain the position of clerk. The International Institute of Municipal Clerks (IIMC) has 5,828 members with active Certified Municipal Clerk and Master Municipal Clerk designations.

Certification through the states and the international organization requires a minimum of 120 hours of in-class training. Some states require a higher standard. Texas, for example, requires 200 hours of independent study and attendance at eight, two-day seminars.

- **Secretariat to the governing body.** The clerk position is one of the oldest in local government. When the early colonists came to America, they set up forms of local government to which they had been accustomed, and the office of clerk was one of the first to be established.

Today, as in those first positions, clerks are selected for their attention to detail, as well as their ability to be forward thinking and to anticipate problems. One task associated with this role is to ensure that public meetings are properly posted. This might seem mundane, but consider the following true story.

A city secretary described what happened at a gathering of individuals to celebrate the opening of a new

store. A resident reported to the city secretary that the assembly being held was illegal. This group involved local residents and a quorum of councilmembers.

While no business of the city was expected to be discussed, it inevitably was and thus, constituted a meeting of the council. The Open Meetings Act dictates that meetings must be posted. The secretary, who assures compliance with the act, was able to advise that the meeting had been posted.

- **Records management.** A clerk is the official keeper of records. This responsibility includes the legal liability associated with tasks that involve enormous legal accountability for a local government. While state and local laws and ordinances may vary with respect to specific tasks and functions, in general clerks maintain official records, documents, vital statistics, and financial records.

They also record and publish council meetings, ordinances, and resolutions; retain custody of the official seal; issue licenses and permits; retain historical records; and record contracts and agreements, bids, deeds, maps, and various licenses.¹

A clerk was recently on the witness stand at a hearing involving land that had been donated to a city almost 100 years earlier. The land included mineral rights that were conveyed and a family member was suing the city, claiming she was the rightful beneficiary of the millions of dollars the city had earned because of these rights.

The family member's lawyer produced a document that was incomplete and seemed to indicate that mineral rights had *not* been conveyed. The clerk told the lawyer from the stand that the document was incomplete and was not what she had originally submitted as evidence from city records. The judge asked if she could produce the original document, which originated from the early 1900s.

The clerk noted that this particular document was located in the clerk's office vault. When she produced the evidence, one juror stated it was the "magic" that decided the case, and the city retained the mineral rights and money associated with it. This type of attention to detail related to records can save a local government time and money.

- **Public information.** Clerks are now reporting that fulfilling requests for access to public information is the greatest demand on their time. Thousands of individuals and entities are requesting hundreds of thousands of pieces of public information for a variety of reasons, and state and federal laws dictate that public information be made available to those who request such information.

Managing this role is proving to be a weighty obligation. While some localities are able to provide staff to assist in this role, not all do even though the number of requests may not be proportionately smaller in these places. A business, for example, may request information that does not get proportionately smaller with the population size. Or, an individual resident may repeatedly ask for large amounts of information. This, too, is not dependent on the size of the town or the number of staff the community may have for fulfilling public information requests.

In a recent publication by a state's municipal league, the authors encourage public officials to fully understand laws related to public information above all other laws.² In 2011, a city manager commented in *PM* that she wished she would have more fully understood the impact that requests for public information were having on her city secretary's office and the resulting criticism because of such high demand.³

- **Elections.** Clerks are often tasked with administering local elections. This can include such duties as: ensuring that polling places meet standards of accessibility; distributing election supplies and equipment; obtaining lists of registered voters; preparing ballots in the manner dictated by law; processing applications from potential candidates for elected office; properly publicizing elections and results of elections; and properly recording necessary information from the election with state officials.

Clerks have had to become familiar with the Supreme Court decision (June 25, 2013) that changed parts of the Voting Rights Act of 1965. Fifteen states (nine states and parts of six other states) that had required preclearance for any changes to election procedures or practices are now (tentatively) freed from this requirement, pending decisions from recent legal challenges to this decision. As the primary election officials, clerks are working closely with officials to learn the practical implications of this decision for their jurisdictions.⁴

References

¹Dolan, Drew A. (2007) "The Clerk," *Managing Local Government Services: A Practical Guide*, ICMA Press.

²Texas Municipal League (2013) *Texas Town and City*, "50 Survival Tips for Elected Municipal Officials."

³Yelverton, Shana (2011) "On Point" *Public Management*, July 2011, page 4.

⁴History of the Municipal Clerk, IIMC website (2013).

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